

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
BOSTON DIVISION**

**BOSTON PARENT COALITION FOR
ACADEMIC EXCELLENCE CORP.,**

Plaintiff,

v.

**THE SCHOOL COMMITTEE OF THE
CITY OF BOSTON, ALEXANDRA
OLIVER-DAVILA, MICHAEL O'NEILL,
HARDIN COLEMAN, LORNA RIVERA,
JERI ROBINSON, QUOC TRAN, ERNANI
DeARAUJO, and BRENDA CASSELLIUS,**

Defendants,

Civil Action No. 1:21-cv-10330-WGY

and

**COUNSEL FOR THE BOSTON BRANCH
OF THE NAACP, GREATER BOSTON
LATINO NETWORK, ASIAN PACIFIC
ISLANDER CIVIC ACTION NETWORK,
ASIAN AMERICAN RESOURCE
WORKSHOP, MAIRENY PIMENTEL, and
H.D,**

Intervenors.

JOINT AGREED STATEMENT OF FACTS

The parties, by their undersigned counsel, hereby stipulate and agree to the facts set forth herein and to the authenticity of the documents attached hereto. To the extent the statements below cite to documents, the documents are true and accurate copies and the parties refer the Court to those documents for a more thorough discussion of the facts. To the extent not otherwise identified in the statements below or apparent on the face of the documents

themselves, the attached documents were created by the staff of Boston Public Schools. While Plaintiff and Defendants agree on all of the statements below, Intervenor only agree in part. Paragraphs to which the Intervenor object are noted accordingly. All parties reserve the right to make any arguments or objections regarding the relevance, importance or weight to be given to the information contained in the attached documents.

Intervenor's Initial Objection

As an initial matter, and applicable throughout, Intervenor object to the use of the term "Exam Schools" and prefer the term "Selective Admission Schools".

AGREED FACTS

Boston School Committee

1. The School Committee of the City of Boston ("Boston School Committee") is the governing body of the Boston Public Schools ("BPS").
2. The Boston School Committee is composed of seven persons appointed by the Mayor of Boston.
3. The Boston School Committee holds regular meetings. During meetings on the following dates, issues relevant to the issues in this case were discussed:
 - July 22, 2020 (Minutes: Exhibit 1);
 - August 5, 2020 (Minutes: Exhibit 2);
 - September 30, 2020 (Minutes: Exhibit 3);
 - October 8, 2020 (Minutes: Exhibit 4); (Transcript: Exhibit 5); and
 - October 21, 2020 (Minutes: Exhibit 6); (Transcript: Exhibit 7).
4. During these meetings, the Boston School Committee was comprised of Chairperson Michael Loconto, Vice-Chairperson Alexandra Oliver-Davila, and voting members

Michael O'Neill, Dr. Hardin Coleman, Dr. Lorna Rivera, Jeri Robinson, and Quoc Tran. Khymani James, who served as the non-voting School Committee Student Member, resigned in March 2021. Except as otherwise noted in this Joint Statement, the membership of the Boston School Committee is currently the same as it was during these meetings.

5. On October 22, 2020, Chairperson Michael Loconto issued an apology and resigned based upon statements he made during the October 21, 2020, meeting. Thereafter, the Mayor of Boston appointed Ernani DeAraujo as a Boston School Committee member and Alexandra Oliver-Davila assumed the position of Acting Chairperson. In January 2021, Ms. Oliver-Davila became Chairperson and Michael O'Neill assumed the position of Vice-Chairperson. **[Other than the fact of resignation, Intervenor's object to the first sentence of this Paragraph.]**
6. Dr. Brenda Cassellius serves as the Superintendent of BPS ("Superintendent"). In this role, the Superintendent has the responsibility for implementing policies approved by the Boston School Committee.

Background on Boston Exam Schools

7. BPS has three Exam schools (Boston Latin School ("BLS"), Boston Latin Academy ("BLA") and John D. O'Bryant School of Mathematics and Science ("O'Bryant") (collectively referred to as "Exam Schools") that serve students in grades 7-12. Generally, 6th grade students apply for admission into the 7th grade and 8th grade students apply for admission into the 9th grade. Students, who are residents of Boston, are eligible to apply for admission.

8. Boston Latin School (“BLS”) was founded in 1635 and is the oldest school currently operating in America. Rachel Skerritt currently serves as the Head of School of BLS.
9. The John D. O’Bryant School of Mathematics and Science (“O’B”) was founded in 1893 and specializes in science, technology, engineering, and mathematics. Tanya Freeman-Wisdom currently serves as the Head of School of O’B.
10. Boston Latin Academy (“BLA”) was founded in 1878. Jerry Howland currently serves as the interim Head of School.
11. The Boston Exam Schools are ranked as the top Boston Public High Schools in the 2020 *U.S. News & World Report* rankings. Specifically, BLS is ranked first, O’B is ranked second, and BLA is ranked third.
12. Currently, 5,859 students are enrolled in the Exam Schools with 2,472 at BLS, 1,771 at BLA and 1,616 at O’Bryant. A breakdown of the student population of each school by race is contained in Exhibit 8 (*SY20-21 Exam School Enrollment by Race and Grade*).

Recent Admission Processes for Boston Exam Schools

13. Boston residents who are in 6th and 8th grades at the time of application may seek admission to the Boston Exam Schools for the classes entering in the fall of the next academic year. The majority of seats are allocated to 6th grade applicants seeking to be enrolled in the Boston Exam Schools for the classes entering the 7th grade in the fall of the next academic year. The admission process used prior to School Year 21-22 was described in a variety of documents, including Exhibit 9 which was on the BPS website.

14. During the Boston Exam Schools application process, an applicant who took the test was asked to rank the Boston Exam Schools by order of preference. (Exhibit 9).
15. For at least the past 20 years, admission to the Boston Exam Schools has been based on the applicant's grades in English Language Arts ("ELA") and Math (spring of prior academic year and fall and winter/quarter 1 and quarter 2 of application year¹) and performance on a standardized test. The three Exam Schools use a unified process. Specifically, the Boston Public Schools averaged a student's grades and assigned a point value to that average. The student's performance on a standardized test was combined with the student's GPA to establish a composite score. Students were then ranked in order of composite score citywide to determine whether they would be offered admission to a Boston Exam School. The student with the highest composite score was offered admission and then the next student through the list until all available seats were filled based on the student's ranked choice. If the student's first choice school was full, the student would be placed in his/her next choice until all seats were filled. This admission process is summarized in a Memorandum from the Working Group to the Superintendent, dated October 5, 2020. (Exhibit 10). **[Intervenors object to this Paragraph.]**
16. Approximately 70% of Boston's K-12 school aged children attend BPS. The other children attend Charter, Private or other schools. Exhibit 11 (*City Enrollment (SY 18-19)*). Some students are home schooled. See Exhibit 12 (*Current Exam Schools Admissions Policy*); Exhibit 13 (*2019-2020 Boston Public Schools Exam School Application Guide*).

¹ In BPS, the 5th grade has trimesters and the 6th grade quarters.

17. The Department of Elementary and Secondary Education (“DESE”) conducted a review of BPS and issued a report dated March 13, 2020. (Exhibit 14)
18. The historical applicant pool for Exam Schools has included BPS, Charter, METCO and private schools. Exhibit 15 (*Historical Applicant Pool by Race & School Type*). Over the past 3 years, the race/ethnicity of applicants to the Exam Schools and those invited to attend is set forth in Exhibit 16 (*Exam School 3-Year Invitation Data by Race*). The rank choices of applicants among the Exam Schools or other options available within BPS are set forth in Exhibit 17 (*Exam School Ranks by School/Race for SY20-21 Enrollment*).
19. For the 2020-2021 school year, the race/ethnicity of students offered admission to the Boston Exam Schools were as follows: (i) White – 39%; (ii) Asian – 21%; (iii) Latino – 21%; (iv) Black – 14%; and (v) Mixed Race – 5%. (Exhibit 18. *See Exhibit 16 (Exam School 3 Year Invitation Data by Race); Exhibit 19 (SY 20-21 Exam School enrollment by Race and Grade)*. **[Intervenors object to this Paragraph.]**
20. A total of 1025 invitations for the Boston Exam Schools were offered to applicants for the fall of 2020. There were 484 invitations to BLS, 336 invitations to BLA, and 205 invitations to O’B for the seventh-grade classes (Exhibit 20). SY2020-2021 enrollment is set forth in D Exh. 2.

Racial Demographics of Boston

21. Per the ACS Demographic Housing Estimates from the United States Census Bureau (2019), the demographics of Boston are as follows:
 - White alone: 44.9%

- Black alone: 22.2%
- Hispanic or Latino: 19.7%
- Asian Alone: 9.6%
- Two or more races:² 2.6%

(Exhibit 21) **[Intervenors object to this Paragraph.]**

COVID-19

22. On March 10, 2020, as a result of the COVID-19 pandemic, Massachusetts Governor Charles Baker declared a State of Emergency. Exhibit 22. On March 15, 2020, the Governor suspended all normal, in-person instruction and other educational operations of K-12 public schools through the end of the School Year (“SY”) 2019-2020. Exhibit 23 (*Order Temporarily Closing All Public and Private Elementary and Secondary Schools (March 15, 2020)*). See also Exhibit 24 (*COVID-19 Order Nos. 16, 28*).
23. Since March 10, 2020, Massachusetts has limited the size of gatherings up and down depending on the fluctuations in the COVID-19 pandemic. Exhibit 25 (*COVID Order Nos. 2, 5, 13, 21, 30, 38, 44, 52*).
24. As a result of the COVID pandemic, from March 17, 2020 until October 1, 2020, BPS was fully remote. On May 1, 2020, BPS issued *Remote Learning Expectations*. Exhibit 26. The BPS document aligns with the Massachusetts Department of Elementary and Secondary Education (“DESE”) on remote learning. Exhibit 27 (DESE “*Strengthening Our Remote Learning Experience*” (April 2020)). On October 1, 2020, high needs students in all schools started in person two days a

² Not Hispanic or Latino.

week. On October 22, 2020, all BPS schools transitioned to full remote learning again. On November 16, 2020, high-needs students in four schools started in-person four days a week. A second group of high needs students started December 14, 2020. The remainder of high needs students started February 1, 2021. On March 1, 2021, grades KO-3 started back 2 days a week and on March 15, 2021, grades 4-8 will start back 2 days a week.

25. The COVID pandemic has had significant impacts on BPS students and is/was a regular topic of discussion at School Committee meetings. See e.g. Exhibit 3 (*Official Minutes of the Remote Boston School Committee Meeting September 30, 2020*). BPS addressed that impact in various ways, including providing chrome books and hot spots to assist students in accessing remote education. Exhibit 28 (3/30/2020 BPS Weekly Update); Exhibit 29, at 5 (*Official Minutes of the Remote Boston School Committee Meeting on August 5, 2020*).
26. DESE cancelled administration of the Massachusetts Comprehensive Assessment System (MCAS) test – an exam administered to public school students across the state – for Spring, 2020.³ Exhibit 30(*DESE Commissioner’s Weekly Update*, (April 13, 2020)).

Changes to Admissions Procedure

27. The Boston Public Schools’ Office of Data and Accountability prepared a document titled “Analysis of Possible Admissions Criteria Changes,” that discussed several analyses it had completed in the Summer of 2019 to determine how potential

³ MCAS is given annually in grades 3 through 8 and in high schools in grades 9 and 10. If a student does not pass in 10th grade, s/he must take it again.

changes to the Exam School admissions criteria would affect diversity at the Boston Exam Schools. (Exhibit 31).

28. In the fall of 2019, the Boston Public Schools began planning to conduct a process to identify a new exam to be administered to applicants seeking admission to the Boston Exam Schools for the 2021-2022 school year. The Superintendent established an RFP Review Committee to solicit and evaluate responses to a Request for Proposal (“RFP”) for a new examination. **[Intervenors object to this Paragraph.]**
29. On July 2, 2020, following the RFP Review Committee’s review and recommendation, the Superintendent announced a plan to use of the Measures of Academic Progress (MAP) Growth assessment to administer to applicants seeking admission to the Boston Exam Schools for the 2021-2022 school year. **[Intervenors object to this Paragraph.]**
30. The discussion of this plan is reflected in the meeting Minutes from the July 22, 2020, Boston School Committee meeting (Exhibit 1). **[Intervenors object to this Paragraph.]**
31. On July 22, 2020, the Boston School Committee agreed to support the recommendation of BPS Superintendent Brenda Cassellius to establish an advisory Exam School Admissions Criteria Working Group (the “Working Group”) to “[d]evelop and submit a recommendation to the Superintendent on revised exam school admissions criteria for SY 21-22 entrance in light of the potential impact of the COVID-19 pandemic on the prospective applicants during the latter half of SY 2019-2020 and potential impact on SY 20-21.” Exhibit 32 (*Exam School*

Admissions Criteria Working Group Charter).⁴ See also Exhibit 1 at 13-14 (*Official Minutes of the Remote Boston School Committee Meeting on July 22, 2020*).

32. The Working Group was composed of the following members: Samuel Acevedo, BPS Opportunity and Achievement Gap Task Force Co-Chair; Acacia Aguirre, O'Bryant Parent; Michael Contompasis, Former BLS Headmaster and BPS Superintendent; Matt Cregor, Staff Attorney, Mental Health Legal Advisors Committee; Tanya Freeman-Wisdom, O'Bryant Head of School; Katherine Grassa, Curley K-8, Principal; Zena Lum, BLA Parent; Rachel Skerritt, BLS Head of School; and, Tanisha Sullivan, President of the NAACP – Boston Branch. Exhibit 2 (*Official Minutes of the Remote Boston School Committee Meeting on August 5, 2020*).
33. Superintendent Cassellius reported on the Working Group to the Boston School Committee at the August 5, 2020 meeting. See Exhibit 2 at 4-5. A notice regarding the Working Group was also posted on the BPS website. Exhibit 33 (*Boston Public Schools Announces Exam School Admissions Criteria Working Group*).
34. The Working Group met weekly and bi-weekly from August-October 2020. It reviewed extensive data regarding the results of the Exam School's existing process, the selection methods used by other cities with schools having selective admissions processes, the potential feasibility, equity and impacts of various proposed methodologies on BPS students, and other data and information.
35. The meetings of the Working Group were not open to the public. **[Intervenors object to this Paragraph.]**

⁴ Plaintiff notes that the inclusion of this document does not indicate any agreement by Plaintiff with the statements contained therein relating to the basis for the selection of the members of the Working Group.

36. The Working Group did not hold any public hearings. **[Intervenors object to this Paragraph.]**
37. The Working Group considered options for using test scores as a criterion. Exhibit 34 (*Options for Test as a Criteria*). It considered the availability of prior assessments and available data. Exhibit 35 (*Available Prior Assessment Data, Prior Test Scores, Percentage of Missing Prior Test Scores for BPS Students (MCAS SY18-19), MCAS Scores for SY 18-19 for Rising 6th Graders*). It also reviewed key operational and administration issues. Exhibit 36(*Key Considerations for Test Administration*).
38. The Working Group reviewed the admissions criteria used by other cities. Exhibit 37 (*Other District Admissions Criteria*); Exhibit 38(*San Francisco*); Exhibit 39(*Detroit*). It reviewed the criteria used in Chicago and modeled it. Exhibit 40 (*Chicago Selective High School Admissions and Creating Tiers with Census Tract Data (replicating Chicago's methodology)*).
39. The City of Boston has 29 zip codes. Exhibit 21. Population data regarding family income and other statistics are in Exhibit 41.
40. The total number of 7th grade students enrolled at BPS along with the students who applied, were invited and enrolled in the Exam Schools from BPS and Non-BPS schools by race over 3 years was compiled. Exhibit 42. The population of 6th grade students in BPS for SY 2020-2021 by zip code is shown in Exhibit 43.
41. Simulations were developed by BPS staff based on available data and made available to the Working Group, included:
- Simulation Limitations (Exhibit 44)
 - Models and Results (Exhibit 45)

- Simulations Overview (Exhibit 46)
- Applicant Pool (Exhibit 47)
- Applicant Pool (Exhibit 48)
- SY 20-21 Invitations Using GPA + Zip Code (Exhibit 49)
- SY 20-21 Invitations Using GPA + Zip Code (Exhibit 50)
- SY 20-21 Invitations Using Zip Code (Exhibit 51)
- Zip Code Simulations (Exhibit 52)
- Zip Code Simulations (Exhibit 53)
- Simulation Results (Exhibit 54)

42. Information Regarding the variability of grades within and outside of BPS for the classes entering in the fall of 2020 was made available to the Working Group. Exhibit 55 (Explanation of Tabs); Exhibit 56 (Sending School + GPA); Exhibit 57 (Zip Code + GPA); Exhibit 58 (Avg. ISEE _ GA by School); Exhibit 59 (Avg. ISEE + GPA by Zip).
43. For the class entering for the fall of 2016, Sixty-nine percent of the students applying to BLS from Holy Name Parish School in West Roxbury had A+ average, and 10% of BLS's entering class came from Holy Name. Exhibit 60 (*Bianca Vazquez Toness, Boston Public School Students May be at a Disadvantage for Getting into Boston Latin (September 5, 2017) GBH News*); Exhibit 61 (*Holy Name Applicant Analysis*).
44. The Working Group considered a variety of admissions criteria and mechanism. **D** Exhibit 62 (Developing an Admissions Criteria & Mechanism; Criteria & Mechanism; Possible Admissions Criteria; Possible Invitation Mechanisms). It also analyzed the results of changes. Exhibit 31 (Analysis of Possible Admissions Criteria Changes; Results of Criteria Changes to Invitations).
45. The Working Group made its Admissions Recommendation to Superintendent Cassellius in person at its September 29, 2020 meeting and a written memo dated

October 5, 2020. This Admissions Recommendation was made available to the Boston School Committee for its October 8, 2020 meeting. Exhibit 10.

46. The Working Group made its initial recommendations to the Boston School Committee, with the support of the Superintendent, at its October 8, 2020 meeting. Exhibit 18 (*“Recommendation of Exam Schools Admission Criteria for SY21-22” (October 8, 2020)*); Exhibit 5 (*Transcript of October 8, 2020 Boston School Committee Meeting*); Exhibit 4 (*Official Minutes of the Remote Boston School Committee - October 8, 2020 Meeting*). Questions raised by School Committee member Michael O’Neill and responses thereto were posted on the BPS website prior to the School Committee’s next meeting on October 21, 2020. Exhibit 20 (*Questions and Answers to O’Neill*).]
47. The Working Group completed an “Equity Impact Statement” (Exhibit 63 (*Equity Impact Statement for School Committee Proposals*)) using the “BPS Equity Planning Tool” (Exhibit 64 (*BPS Racial Equity Planning Tool*)).
48. On October 21, 2020, the Boston School Committee adopted the SY 21-22 Admissions Plan for SY 2021-2022. Exhibit 65 (*Recommendation PPT*). See also Exhibit 6 (*Official Minutes of the Remote Boston School Committee Meeting October 21, 2020*); Exhibit 7 (*Transcript of 10/21/2020 meeting*). The adopted Recommendations replaced median household income with median family income with children under 18 for purposes of determining the order of the zip codes used to invite students for 80% of the Exam School seats and added a special zip code for homeless students and those in DCF custody. Exhibit 65 at 7-9. The SY 21-22 Admissions Plan process was described in a PowerPoint presented at the meeting

(Exhibit 66 (2020-2021 BPS Exam Schools Admissions Process)) and on the BPS website. Exhibit 9 (*Exam Schools*).

The 2021 Admission Plan for 6th Grade Applicants

49. As approved by the Boston School Committee, the 2021 Admission Plan changes the Boston Exam School admission process for applicants seeking admission for the fall of 2021.
50. The 2021 Admission Plan removed the admission test requirement. In recommending this action, the Superintendent and Working Group cited the difficulties in administering the test amid the then state of the COVID-19 pandemic.
51. Instead, to be an eligible applicant for the Boston Exam Schools for the 7th grade (“Eligible Applicant”), for classes entering in the fall of 2021, the following requirements must be met (“Eligibility Requirements”):⁵
 - Reside in one of Boston’s 29 Zip Codes or are in the “Zip Code” for children who are homeless or in the custody of DCF (“Residency Requirement”);
 - Hold a minimum B average in English Language Arts (“ELA”) and Math during the fall and winter of SY19-20 (5th grade) or have received a “Meets Expectations” or “Exceeds Expectations” score on the Spring 2019 (4th grade) Massachusetts Comprehensive Assessment System (MCAS) exams for English Language Arts and Math (collectively, “Grade Requirement”); and
 - Provide verification from the school district (or equivalent) that the student is performing at grade level based on the Massachusetts Curriculum standards.

⁵ This illustration covers entry into the 7th grade, although students also enter in the 9th and 10th grades using a similar process.

52. The MCAS is administered to all students attending public schools (including public charter schools and students attending school in other districts through the METCO programs) in Massachusetts in grades 3-8 and in high school. It is not administered to students who reside in Boston but attend non-public schools. **[Intervenors object to the final sentence this Paragraph.]**
53. The application process for the Boston Exam Schools officially opened on November 23, 2020, and officially closed on January 15, 2021 (Exhibit 66).
54. The Boston Public Schools have the necessary information to determine whether a Boston Public School student meets the Eligibility Requirements, and the Boston Public Schools automatically informed these students if they were eligible. Then, the eligible students were required to submit their list of one or more of the Boston Exam Schools by order of preference on or before January 29, 2021 (Exhibit 32). This deadline was subsequently extended to March 5, 2021 and BPS used phone calls to communicate this extension to BPS students who had met the Eligibility Requirements but did not rank the Boston Exam Schools.
55. Students attending non-Boston Public Schools (*i.e.*, parochial schools, private schools, METCO program schools, certain charter schools or home-school etc.) were required to verify their residency, submit a waiver for their grades, and submit their Boston Exam School preferences on or before January 15, 2021 (Exhibit 32), which was an extension from the original deadline of December 31, 2020. BPS gave notice of this extension to January 15, 2021 by giving notice to non-public schools on January 7, 2021.

56. The SY 2021-2022 Admission Plan is described in a PowerPoint presentation prepared for the public by BPS staff and titled “2020-2021 BPA Exam Schools Admissions Process.” (Exhibit 66).

Selection Process

57. First, 20% of seats in each Exam School will be filled through a citywide competition using only the student’s grade point average in English Language Arts and Math for the first two grading periods of SY19-20 (fall and winter) (“GPA”). If a student’s first choice is full, he/she will be a part of the second process. (Exhibit 66) **[Intervenors object to this Paragraph.]**
58. Eligible Applicants that were not selected through the citywide competition move to the second round where Eligible Applicants are placed into applicant pools by GPA, again using the student’s grade point average in English Language Arts and Math for the first two grading periods of SY 19-20 (fall and winter), within their Zip Code of residence. (Exhibit 66). **[Intervenors object to this Paragraph.]**
59. For this remaining 80% of seats (*i.e.*, those not filled in the first round described above), each Zip Code is allocated a number of Boston Exam School seats based on the proportion of school-aged children that reside in that Zip Code (Exhibit 66). **[Intervenors object to this Paragraph.]**
60. The number of seats allocated to each zip code under the SY21-22 Admissions Plan is calculated by multiplying the percentage of school age children in a zip code by the number of seats available for distribution, with the product of that multiplication rounded to the nearest whole number, and with each zip code having at least one seat (Exhibit 66 at 22). **[Intervenors object to this Paragraph.]**

61. Within each Zip Code, over ten rounds, the highest-ranked Eligible Applicants will be selected to fill seats allocated to that Zip Code. If a student's first choice seat is not available when it is his/her turn to be assigned, then the student will be assigned to his/her next choice seat. (Exhibit 66). Invitations under the 20% and 80% processes will be issued at the same time. **[Intervenors object to this Paragraph.]**
62. No invitations under the SY21-22 Admissions Plan have been sent to any applicant, and none will be sent before April 15, 2021.
63. BPS has posted the following about the SY 21-22 Admissions Plan on its website:
 - How to Apply to Exam Schools (Exhibit 67)(a document prepared by Boston School Finders, a private organization)
 - Exam Schools Frequently Asked Questions (Exhibit 68)
 - Exam School Admissions: Grade Point Average Fact Sheet, SY2021-2022 Cycle (Exhibit 69)
 - Exam Schools (Exhibit 70)

Impact of the 2021 Admission Plan

64. At the Boston School Committee meetings held on October 8 and 21, 2020, the Boston School Committee considered how the admission plan proposed by the Working Group and Superintendent (adopted as the SY 21-22 Admission Plan) would impact the composition of the classes entering in the fall of 2021. (Exhibit 73 and Exhibit 65). **[Intervenors object to this Paragraph.]**
65. On January 13, 2021, the Superintendent issued the publication titled "Additional Background Information and Data Reviewed by the Boston Public Schools Exam Schools Admissions Criteria Working Group" which included a section entitled "Simulations" that included a "table" showing for each Zip Code "the projected number of invitations for next year using the 20% - 80% approach", compared to the classes that entered in the fall of 2020. (Exhibit 71).

Statements Made by Boston School Committee Members

66. During the October 21 meeting, Boston School Committee Member, Chairperson Michael Loconto made statements that were perceived as mocking the names of Asian members of the community who had come to the meeting to comment on the 2021 Admission Plan. **[Intervenors object to this Paragraph.]**
67. A true and accurate transcription of text messages between Boston School Committee Members, Vice-Chairperson Alexandra Oliver Davila and Lorna Rivera during the October 21, 2020 Boston School Committee meeting is attached as Exhibit 72. **[Intervenors object to this Paragraph.]**
68. A true and accurate transcription of text messages between Boston School Committee Member, Vice-Chairperson, Alexandra Oliver-Davila and Superintendent Brenda Cassellius during the October 21, 2020 Boston School Committee meeting is attached as Exhibit 73. **[Intervenors object to this Paragraph.]**

Benefits of Diversity

69. As a general proposition, students can benefit educationally when the student body of their school is diverse in terms of race, socioeconomic status, national origin, views and other factors.

Additional Documents

70. In addition, the parties jointly refer the Court to the following documents not specifically cited herein:
- Chart of Enrollment Data (Exhibit 74)

- Memorandum from Jeffrey C. Riley & the MA Department of Elementary and Secondary Education dated March 26, 2020 and titled “Remote Learning Recommendations During COVID-19 School Closures” (Exhibit 75)

All documents attached to this filing stipulated as to authenticity.

Dated: March 15, 2021

Respectfully submitted,

/s/ Kay H. Hodge

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Certificate of Service

I, Callan G. Stein, certify that the foregoing document was filed this date via the Court's CM/ECF filing system and will be sent electronically to the registered participants in this action.

/s/ Callan G. Stein